

# Exhibit B

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

JOSEPH WARD, by his next friend \*  
FRANCES BOURLIOT; \*  
MICHAEL ANDERSON, by his next \*  
friend PHIL CAMPBELL; \*  
ISAAC LEMELLE, by his next friend \*  
MARK WESTENHOVER; \*  
MARC LAWSON, by his next friend \*  
KRISTA CHACONA; \*  
JENNIFER LAMPKIN, by her next \*  
friend ELSIE CRAVEN; \*  
CECIL ADICKES, by his next friend \*  
ELsie CRAVEN; \*  
MICHAEL GIBSON, by his next friend\*  
MARK WESTENHOVER; \*  
KENNETH JONES, by his next friend \*  
PATRICIA SEDITA; and \*  
MARY SAPP, by her next friend \*  
LOURDES RODRIGUEZ, \*  
Plaintiffs \*

vs. \*

COURTNEY PHILLIPS, in her official\*  
capacity as Commissioner of the \*  
Texas Department of Health and \*  
Human Services, \*  
Defendant. \*

REPORTER'S CERTIFICATION  
DEPOSITION OF TIMOTHY E. BRAY  
APRIL 18, 2019

I, Rhonda Howard, Certified Shorthand  
Reporter in and for the State of Texas, hereby  
certify to the following:

That the witness, TIMOTHY E. BRAY, was  
duly sworn by the deposition officer and that the  
transcript of the oral deposition is a true record

1 of the testimony given by the witness;

2 That the transcript was submitted on  
3 May 1, 2019 to Mr. Michael R. Abrams, ASSISTANT  
4 ATTORNEY GENERAL, General Litigation Division, P.O.  
5 Box 12548, Capitol Station, Austin, Texas  
6 78711-2548 for the witness' examination, signature  
7 and return to me by June 3, 2019

8 That the time used by attorneys is as  
9 follows:

10 Ms. Mitchell - 1:25:41

11 That pursuant to information given to the  
12 deposition officer at the time testimony was taken,  
13 the following includes counsel for all parties of  
14 record:

15 Ms. Lisa Snead, Ms. Beth Mitchell, Ms.  
16 Coty Meibeyer, Mr. Peter Hofer, Attorneys for  
Plaintiffs

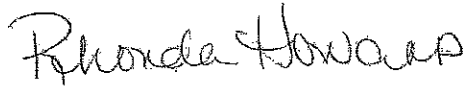
17 Mr. Michael Abrams and Mr. Corey D.  
Kintzer, Attorneys for Defendant

18 I further certify that I am neither  
19 counsel for, related to, nor employed by any of the  
20 parties or attorneys in the action in which this  
21 proceeding was taken, and further that I am not  
22 financially or otherwise interested in the outcome  
23 of the action.

24 Further certification requirements  
25 pursuant to Rule 203 of TRCP will be certified to

1 after they have occurred.

2 Certified to by me, this 25th day of  
3 April, 2019.

4  
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6

7 Rhonda Howard, CSR No. 4136  
8 Expiration date: 12/31/20  
9 U.S. LEGAL SUPPORT, INC.  
10 Firm Registration No. 10558  
11 701 Brazos, Suite 380  
12 Austin, Texas 78701  
13 (512) 292-4249  
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25 Job No. 4-AUSTIN-292995 RH

FURTHER CERTIFICATION UNDER RULE 203 TRCP

The original deposition ☒ was ( ) was not  
returned to the deposition officer on

5-21-19.

If returned, the attached Changes and Signature  
page contains any changes and the reasons therefor;

If returned the original deposition was  
delivered to Ms. Beth Mitchell, Custodial Attorney;

That \$ 723.57 is the deposition officer's  
charge to the PLAINTIFFS for preparing the original  
deposition transcript and any copies of exhibits;

That the deposition was delivered in accordance  
with Rule 203.3, and that a copy of the certificate  
was served on all parties shown herein and filed  
with the Clerk.

Certified to by me this 3 day of June,  
2019.

Rhonda Howard

*Blm*

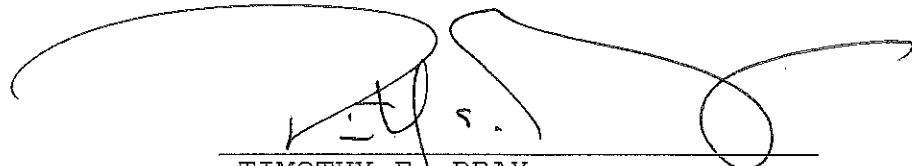
Rhonda Howard, CSR No. 4136  
Expiration date: 12/31/20  
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Austin, Texas 78701  
(512) 292-4249

Job No. 4-AUSTIN-292995 RH

Timothy E. Bray  
April 18, 2019

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1 I, TIMOTHY E. BRAY, have read the  
2 foregoing deposition and hereby affix my signature  
3 that same is true and correct, except as noted  
4 above.

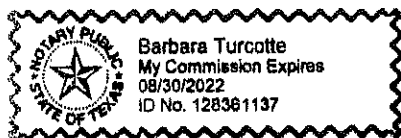
5   
6 \_\_\_\_\_  
7 TIMOTHY E. BRAY

8 THE STATE OF TEXAS)

9 COUNTY OF TRAVIS )

10 Before me, Timothy E. Bray, on  
11 this day personally appeared (description of  
12 identity card or other document) to be the person  
13 whose name is subscribed to the foregoing instrument  
14 and acknowledged to me that they executed the same  
15 for the purposes and consideration therein  
16 expressed.

17  
18 Given under my hand and seal of office  
19 this 21st day of May, 2019.



22  5/21/19  
23 NOTARY PUBLIC IN AND FOR  
24 THE STATE OF TEXAS  
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CHANGES MADE TO DEPOSITION

No erasures or obliterations of any kind are to be made to the original testimony as transcribed by the deposition officer. Please enter the page number, line number and reason for such change or correction below.

WITNESS NAME: TIMOTHY E. BRAY  
DATE OF DEPO: APRIL 18, 2019

PAGE	LINE	CHANGE	REASON
p. 8,	l. 21,	Change "Harris County Psychiatric Center" to "UT Health Tyler"	Clarification

5/21/2019

DATE

TIMOTHY E. BRAY

1 Let me rephrase.

2 A Sorry. Yeah.

3 Q So once the bed capacity is reached --

4 A Uh-huh.

5 Q -- there's no longer availability in the  
6 system at that point in time?

7 A Correct.

8 Q And so that's why they get put on a  
9 waiting list. Correct?

10 A That's correct.

11 Q Okay. And would you agree that for the  
12 most part when an individual is placed on either the  
13 clearinghouse waiting list or the MSU waiting list  
14 they remain in jail?

15 A For many of them, yes.

16 Q Would you say for most of them?

17 A I can't be certain.

18 Q Okay. So who -- who would not remain in  
19 jail while on the waiting list?

20 A There have been some individuals who are  
21 allowed to bond out into the community while --

22 Q Uh-huh.

23 A -- waiting.

24 Q Uh-huh.

25 Okay. And for the people who are able to